

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DAVID BOOKER,  
  
Plaintiff,  
  
v.

UNITED STATES DISTRICT COURT OF  
NEVADA ADMINISTRATION,  
  
Defendant.

Case No. 2:23-cv-00898-JAD-EJY

**ORDER ADOPTING REPORT AND  
RECOMMENDATION TO DISMISS  
CASE**

ECF No. 6

**On December 7, 2023, the magistrate judge entered the following report & recommendation:**

On June 7, 2023, Plaintiff, an inmate in the custody of High Desert State Prison, filed a Civil Rights Complaint under 42 U.S.C. § 1983, but failed to file a complete *in forma pauperis* (“IFP”) application or pay the required filing fee. ECF No. 1-1. On October 3, 2023, the Court issued an Order giving Plaintiff through and including November 30, 2023 to either pay the filing fee or submit a complete IFP application. ECF No. 3. The Court also ordered the Clerk of Court to mail Plaintiff the proper IFP application form and the instructions for completing the form. *Id.* The Order concluded the Court would recommend dismissal without prejudice if Plaintiff failed to timely comply with the Court’s Order. *Id.*

On October 9, 2023, Plaintiff filed a Petition for Writ of Mandamus arguing he should not be required to pay the \$402 filing fee and that the process of completing the IFP application violates his constitutional rights. ECF No. 4. On October 11, 2023, the Petition was denied. ECF No. 5. As of the date of this Recommendation, Plaintiff has not complied with the Court’s October 3, 2023 Order.


Accordingly, IT IS HEREBY RECOMMENDED that this matter be dismissed without prejudice for failure to comply with the Court’s October 3, 2023 Order.

Dated this 7th day of December, 2023.

  
ELAYNA J. YOUCHAK  
UNITED STATES MAGISTRATE JUDGE

**ORDER**

Because the deadline to object to this report and recommendation expired with no objection, and no review is required of a magistrate judge's report and recommendation unless objections are filed. IT IS ORDERED that the report and recommendation [ECF No. 6] is **ADOPTED. This action is DISMISSED** without prejudice for failure to comply with the Court's October 3, 2023, order [ECF No. 3]. The Clerk of Court is directed to **CLOSE THIS CASE**.

  
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U.S. District Judge Jennifer A. Dorsey  
Dated: December 28, 2023